EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EQUAL EMPLOYMENT OPPORTUNITY

MANAGEMENT DIRECTIVE

EEO-MD 1002
Change One

TO THE HEADS OF FEDERAL AGENCIES

1. SUBJECT. INTERIM PROCEDURES FOR PROCESSING COMPLAINTS OF EMPLOYMENT DISCRIMINATION FILED AGAINST RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE (28 C.F.R. Part 42, Subpart H and 29 C.F.R. Part 1691).

2. PURPOSE. The purpose of the Directive is to provide updated information contained in Appendices A and B.

3. APPLICABILITY AND SCOPE. The changes in this Directive apply to all Federal agencies covered by 28 C.F.R. Part 42, Subpart H and 29 C.F.R. Part 1691.

4. OBSOLETE DATA AND FILING INSTRUCTIONS.

Remove and Destroy	Replace with
Appendix A	Appendix A
Appendix B	Appendix B

File this in front of Management Directive (MD) 1002, dated March 14, 1983.

5. INQUIRIES. Further information concerning this Directive may be obtained by contacting:

Coordination Division
Office of Legal Counsel
Equal Employment Opportunity Commission
1801 L Street, N.W.
Washington, DC 20507
202-663-4689
202-663-7026 (TTY)

7-23-02
Date

/signed/
Cari M. Dominguez
Chair

THE DEPARTMENT OF JUSTICE

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EQUAL EMPLOYMENT OPPORTUNITY

MANAGEMENT DIRECTIVE

EEO-MD 1002

DATE: March 14, 1983

TO THE HEADS OF FEDERAL AGENCIES

1. SUBJECT: INTERIM PROCEDURES FOR PROCESSING COMPLAINTS OF EMPLOYMENT DISCRIMINATION FILED AGAINST RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE (28 C.F.R. Part 42, Subpart H and 29 C.F.R. Part 1691)

2. PURPOSE: This interim directive implements the new regulation adopted jointly by the Department of Justice and the Equal Employment Opportunity Commission on this subject; it applies to complaints of employment discrimination filed on or after March 28, 1983, against recipients of Federal financial assistance or revenue sharing funds subject to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the State and Local Fiscal Assistance Act of 1972, as amended (the revenue sharing act) and provisions similar to Title VI and Title IX in Federal grant statutes to the extent they prohibit employment discrimination on the basis of race, color, religion, sex or national origin. See Appendix A. (Complaints involving employment discrimination solely on the basis of age or handicap are not covered by this rule or directive.) The Department of Justice and the Equal Employment Opportunity Commission (EEOC) have developed these procedures in order to coordinate enforcement of federal EEO law and to minimize duplicative investigations of employers covered by such laws. Because this directive is interim rather than [final, each agency coordinator may submit a comment within 90 days from the effective date of this directive.

3. AUTHORITY: Issued pursuant to the Commission's authority under Executive Order 12067, 43 F.R. 28967 (June 30, 1978), and the Department of Justice's authority under Executive Order 12250, 45 F.R. 72995 (November 4, 1980), to implement the recently adopted regulation on this subject, 48 FR 3570 (January 25, 1983), 28 C.F.R. Part 42, Subpart H and 29 C.F.R. Part 1691.

4. PROCEDURE: This interim directive allows, and for many complaints directs Federal agencies that grant financial assistance or revenue sharing funds to refer to EEOC complaints of employment discrimination covered by Title VI, Title IX, and similar statutes as noted above, if the complaints allege discrimination which is subject to Title VII of the Civil Rights Act of 1964 or the Equal Pay Act of 1963 (EPA.) Title VII prohibits discrimination on the basis of race, color, religion, sex or national origin in most phases of employment

and the Equal Pay Act prohibits discrimination on the basis of sex in the payment of wages to men and women performing equal work. Such complaints are defined as "joint complaints." Generally, for complaints against individuals, EEOC, acting under its own authority and the delegated authority of the agency will conduct an investigation of the allegations of employment discrimination and attempt to resolve the complaint.

A. Agency Representative – Each agency covered by these instructions will designate individuals who will serve as the agency's contact persons and coordinators (hereinafter referred to as the agency "representatives") to resolve procedural problems, e.g., when information relevant to the investigation cannot be obtained voluntarily, when coordination is necessary to determine which agency will process a complaint when it is desirable to include the agency in a conciliation conference or when there is a problem with scheduling witness interviews. Where possible, representatives would be located in all offices of the agency in question which correspond to the field offices of the EEOC (list attached as Appendix B). Each agency subject to these rules should appoint a coordinator in its Headquarters office to handle problems that cannot be resolved locally. Within 15 days of this date, each agency will advise EEOC and DOJ of the names, titles, addresses and telephone numbers of its representatives.

B. Initial Processing of Complaints of Employment Discrimination

1. Notice to Recipient – When an agency covered by these instructions receives a complaint which contains allegations of employment discrimination, it will notify the recipient within ten (10) days, using the letter at Exhibit I, that it is in receipt of the complaint, including the date, place and circumstances surrounding the allegation(s). The contents of the notice will state that the agency is reviewing the complaint to determine whether EEOC will have a role in the processing of the complaint, and that if the complaint is referred or transferred to EEOC, the date of the agency's receipt of the complaint will be deemed the date received by EEOC unless EEOC has received it earlier. Exhibit 1 may also be used, where appropriate, to inform the complainant that the agency has received the complaint.

2. Determination of Jurisdiction – Within thirty (30) days of receipt of a complaint the agency shall make an initial determination as to whether it has jurisdiction over the complaint under Title VI, Title IX or the revenue sharing act, or similar statute forbidding discrimination by recipients of federal funds, and also shall determine whether the complaint alleges employment discrimination on the basis of race, color, religion, sex or national origin by an employer with 15 or more employees (subject to Title VII) or wage discrimination on the basis of sex (subject to the EPA.)

3. When Agency Does Not Have Jurisdiction – When an agency determines that it does not have jurisdiction over a complaint but that it appears that EEOC has jurisdiction, the agency will transfer the complaint to EEOC within thirty days of receipt using the letter at Exhibit 2. At the same time, using the letter at Exhibit 3, the agency shall notify the complainant and the recipient by letter of the transfer, the reason for the transfer, the location of the EEOC office to which the complaint was transferred and that the date the agency received the complaint will be deemed the date it was received by EEOC unless EEOC received the complaint earlier. After the transfer, an agency has no further obligation in regard to the complaint.

4. Processing Joint Complaints – Joint complaints are complaints that an agency receives over which the agency has or may have jurisdiction and which allege employment discrimination subject to Title VII and/or the Equal Pay Act. Age may be a basis named in such complaints but only those age cases which also allege discrimination subject to Title VII and/or the EPA will be processed in accordance with this directive. EEOC will investigate those age aspects of a joint complaint it receives for processing if they are subject to the Age Discrimination in Employment Act which protects individuals between the ages of 40 and 70 from age discrimination in most phases of employment.

There are three kinds of joint complaints: 1) complaints solely alleging discrimination in employment on the basis of race, color, religion, sex or national origin against an individual; 2) complaints alleging discrimination in employment on the basis of race, color, religion, sex, or national origin and discrimination in other practices of a recipient; 3) complaints alleging a pattern or practice of employment discrimination on the basis of race, color, religion, sex, or national origin.

a. Individual Joint Complaints – An agency shall refer to EEOC all joint complaints solely alleging employment discrimination against an individual. The agency need not consult with EEOC prior to a referral. Agency referral of a joint complaint should occur within thirty days of receipt of the complaint.

i. Procedure for Referring Joint Complaints – An agency shall use Exhibit 4 to refer a joint complaint to EEOC.

If the complaint is filed under Title VI, the agency should indicate in the appropriate box on Exhibit 4 if a primary objective of the Federal financial assistance to the recipient named in the complaint is to provide employment.

An agency may request that EEOC conduct a factual investigation relating to the agency's jurisdiction by checking the appropriate boxes on Exhibit 4. EEOC will use the standard interrogatories attached as Appendix C unless the agency prepares special interrogatories and attaches them to Exhibit 4.

If the agency believes special circumstances exist warranting its investigation of an individual joint complaint, rather than EEOC, then the agency shall follow the procedures outlined below, check the appropriate box on Exhibit 4 and explain the special circumstances that warrant its investigation of the complaint.

Finally, if the agency wants to receive advance notice of EEOC conciliation negotiations, it shall check the appropriate box on Exhibit 4.

ii. Procedure for Agency Investigation of Individual Joint Complaints.

An agency may investigate a joint complaint solely alleging discrimination against an individual only if special circumstances warrant its investigation of the complaint. If the agency believes such circumstances exist, the agency representative shall contact the appropriate EEOC office and request that the EEOC representative determine whether a similar complaint has been filed with EEOC.

If the agency finds out that EEOC has received a similar complaint, the agency will so indicate on Exhibit 4 when it refers the complaint to EEOC and explain the special circumstances that warrant its investigation of the complaint. Within ten days of receipt of the referral, EEOC will determine which agency will investigate the complaint. EEOC will generally make the determination on the basis of whether or not it has already begun processing the similar complaint and has committed its resources to the resolution of the complaint. When EEOC notifies the agency of its determination, the agency will send the appropriate notice to the complainant and the recipient, i.e., Exhibit 5 if EEOC will investigate the complaint or Exhibit 6 if the agency will investigate the complaint.

On the other hand, if the agency finds out that EEOC has not received a similar complaint, the agency will so indicate on Exhibit 4 when it refers the complaint and explain the special circumstances that warrant its investigation of the complaint. The agency may proceed with its investigation of the complaint without further consultation with EEOC. (EEOC will, however, confirm in writing that it will defer its investigation pending completion of the agency investigation). In these circumstances, the agency shall use Exhibit 6 to notify the complainant and the recipient that it will investigate the complaint.

iii. Agency Notice of Referral to Complainant and Recipient. When a joint complaint is referred to EEOC for investigation, the agency shall use Exhibit 5 to inform the complainant and recipient of the referral and the reason for the referral and that the date the complaint was received by the agency will be the date it will be deemed to have been received by EEOC for the purposes of Title VII and/or the EPA. This notice will inform the parties that the agency has delegated to EEOC its investigative authority under Title VI, Title IX, the revenue sharing act, or other statute. The agency should identify the statute and/or regulation and attach a copy of the relevant nondiscrimination provisions if the law is not Title. VII, Title IX or the revenue sharing act, the EEOC will acknowledge receipt of the complaint, in writing, to the complainant, respondent and referring agency.

When a joint complaint is referred to EEOC, but the agency will conduct the investigation the agency shall use Exhibit 6 to inform the complainant and recipient.

b. Joint Complaints alleging Discrimination in Employment and Other Practices. An agency, absent special circumstances, will retain and investigate all allegations of a joint complaint which alleges discrimination in employment and other practices of a recipient.

The agency representative shall contact the appropriate EEOC office and request that the EEOC representative determine whether a similar complaint has been filed with EEOC. If such a complaint has been filed, the agency and EEOC shall coordinate their activities. The agency may coordinate by checking the appropriate box on Exhibit 4 requesting that EEOC defer its investigation pending the agency investigation. The EEOC vill notify the agency in writing whether or not it will defer its investigation. Ordinarily, EEOC should defer its investigation.

The agency shall notify the complainant and recipient that it will investigate the complaint using Exhibit 7.

If an agency believes special circumstances warrant EEOC's investigation of the employment discrimination allegations of the complaint, the agency shall refer the complaint using Exhibit 4, and notify the complainant and recipient of the referral using Exhibit 5.

c. Joint Complaints Alleging a Pattern or Practice of Employment Discrimination. An agency, absent special circumstances, will retain and investigate joint complaints alleging a pattern or practice of employment discrimination. It is the obligation of the agency receiving such complaints, however, to make a determination that the issues specified in the complaint relate to a pattern or practice of unlawful employment discrimination. In general, a complaint that alleges a discriminatory discharge or refusal to hire, promote or transfer an individual should not be treated as a pattern or practice complaint – even if it is so characterized by the complainant – unless there are factual allegations that the refusal was part of an overall pattern, or pursuant to a specific practice which has an adverse impact on persons by race, color, religion, sex, or national origin. On the other hand, a claim that one (or more than one) specific hiring, promotion, compensation, recruitment, assignment or discharge procedure is discriminatory should be treated as a pattern or practice complaint, if the procedure is one followed by the employer, generally or widely.

The agency shall notify the complainant and recipient that it will investigate the complaint using Exhibit 7.

If an agency determines that due to special circumstances it will not conduct its own investigation or that the complainant's allegations are not pattern or practice allegations, the agency should refer the complaint to EEOC using Exhibit 4 and notify the complainant and recipient of the referral using Exhibit 5. Upon receipt of the referral, EEOC will ordinarily inform the complainant that it will narrow its investigation to the issues involving the individual complaint.

5. EEOC Deferral of Investigation to Agency – If the agency decides to investigate a joint complaint and the EEOC agrees to defer its investi-

gation of a related complaint pending an investigation by the agency, the Commission will give due weight to the agency's determination on the complaint. The agency should inform EEOC of its prehearing determination on the complaint within 10 days of making its finding.

6. Complainant's Anonymity - Since joint complaints will be processed in accordance with the Commission's established procedures for handling charges under Title VII, it will normally be necessary to reveal the identity of the complainant to the recipient. Any individual who wishes to file a complaint with an agency and who requests anonymity should be advised by the agency that it cannot protect the anonymity of individuals filing complaints that must be transferred or referred to EEOC in accordance with this directive. The potential complainant should also be advised that Title VII and the EPA prohibit retaliation against persons who have filed charges or complaints. If, after such counseling, the potential complainant insists on anonymity with respect to the complaint, he/she should be informed that a Title VII charge on the complainant's behalf or (if the allegations involve the payment of unequal wages on the basis of sex for equal work) a confidential complaint under the EPA may be filed directly with the nearest office of the EEOC.

C. Processing of Referred Complaints

1. Withdrawals - If an individual who has filed a complaint requests that processing of the complaint be discontinued, the EEOC will generally consent to a withdrawal of a complaint unless the withdrawal would defeat the purposes of Title VII or the Equal Pay Act. EEOC will contact the referring agency prior to completing the processing of a request for withdrawal. The complainant will be asked to sign a statement that he/she understands that ordinarily the withdrawal of a complaint concludes the processing by all concerned agencies.

2. Commission Negotiated Settlements - The agency will not have a role in settlement discussions prior to a determination on the merits of the complaint. If the parties enter into a negotiated settlement prior to a determination, the Commission will notify the referring agency that the complaint has been settled. A provision in the agreement will state that the agency shall take no further action on the complaint of employment discrimination thereafter, except that the agency may take the existence of the complaint into account in scheduling the recipient for a review under the agency's regulations.

3. Dismissals - If the Title VII and/or EPA allegations of a joint complaint are dismissed, EEOC will issue a notification of right to sue under Title VII to the complainant and will send copies of the file and relevant documents to the referring agency by certified mail. Upon receiving the file, the agency will make a determination within 30 days as to the effect the dismissal has on the complainant's rights under the relevant civil rights provision(s) enforced by the agency. Dismissals of joint complaints by EEOC on the basis of lack of jurisd1ction under Title VII or the EPA need not be given great weight by the agency. The agency will, however, be required to give great weight to dismissals by EEOC on

the basis that there is not reasonable cause to believe that the allegations of employment discrimination are true. The agency will notify the complainant and recipient of its determination. When the agency's determination does not concur with that of the EEOC, the agency shall explain the reason for nonconcurrence to the Chairman of the EEOC and the Assistant Attorney General using the letter at Exhibit 8.

4. EEOC Reasonable Cause Determinations and Conciliation Efforts - If the investigation results in a reasonable cause determination on the Title VII aspects of the complaint, the EEOC shall advise the complainant and recipient, in writing, of that determination and provide advance notice to the complainant and recipient to attend a conciliation conference in an attempt to resolve the complaint. The EEOC determination will not include a determination on the relevant civil rights provision(s) of agency. The referring agency will be informed of the conference if it has requested to participate or if EEOC deems such participation relevant to the disposition of the complaint. If EEOC requests agency participation in conciliation discussions, the agency shall designate a representative for this purpose. (Participation, when such is requested, will not necessarily entail the presence of this representative at the conciliation discussions.) A letter from EEOC to the agency representative will clearly state the role of the referring agency in the conciliation conference. The referring agency should make an effort to concur with the EEOC's scheduling of the conference. If the Commission's efforts to resolve the complaint through conciliation fail, the EEOC will:

a. Issue a notice of failure of conciliation letter to the recipient; and

b. Transmit to the referring agency a copy of the Commission's notice of failure of conciliation letter; and

c. If the recipient is not a government, governmental entity or political subdivision, issue a Notice of Right to Sue (Conciliation Failure) under Title VII, where appropriate, after a Commission determination as to whether the Commission will bring suit under Title VII (and/or EPA);

d. If the recipient is a government, governmental entity or political subdivision, refer the matter to the Attorney General for a determination as to whether the Department of Justice will bring suit under Title VII and, where appropriate, for the issuance of a Notice of Right to Sue under Title VII.

D. Agency Processing of Complaints Unresolved by EEOC - Upon EEOC's transmittal of a reasonable cause determination and notice of failure of conciliation, the referring agency will determine, within thirty days, whether, the recipient has violated any applicable civil rights provision(s) which the agency has a responsibility to enforce. The referring agency will give due weight to EEOC's determination that reasonable cause exists to believe that there has been a violation of Title VII. Normally no additional investigation should be made by the agency.

1. Violation – If the referring agency determines that the recipient has violated any applicable civil rights provision(s) which the agency has a responsibility to enforce, the agency will so notify the complainant and the recipient in writing determine whether further efforts to obtain voluntary compliance are warranted. In reaching that determination, the referring agency will give due weight to the failure of EEOC's efforts to resolve the complaint by informal methods. If the referring agency determines that further efforts to obtain voluntary compliance are not warranted or if such further efforts fail, the agency will initiate appropriate enforcement proceedings under its own regulations or refer the case to the Civil Rights Division of the Department of Justice for a determination as to whether judicial enforcement proceedings will be instituted.

2. No Violation – If the referring agency determines that the recipient has not violated any applicable civil rights provision(s) which the agency has a responsibility to enforce, the agency shall notify the complainant and the recipient. In addition, using the letter at Exhibit 8, the agency shall notify the Assistant Attorney General and the Chairman of the EEOC of the basis of that determination.

E. Agency Standards for Investigations, Reviews and Hearings – In any investigation, compliance, review, hearing or other proceeding, agencies shall consider Title VII case law and EEOC Guidelines 29 CFR, Parts 1604-1607, unless inapplicable, in determining whether a recipient of Federal financial assistance has engaged in an unlawful employment practice.

F. Interagency Consultation

1 Pattern or Practice Investigations – Before investigating whether the employment practices of a recipient of Federal financial assistance constitute a pattern or practice of unlawful employment discrimination or initiating formal administrative enforcement procedures on that basis, the representative or authorized official of the agency will, to the extent practical, consult with the Chairman of the EEOC or his designee and the Chief of the Federal Enforcement Section, Civil Rights Division of the Department of Justice, using the form letter at Exhibit 9, to assure that duplication of effort will be minimized.

2. Legal Action – Prior to initiating any legal action against a recipient of Federal financial assistance alleging unlawful employment practices, the Department of Justice and/or EEOC shall, to the extent practical, notify the appropriate agency(ies) by letter of the proposed action and the substance of the allegations.

G. Sharing of Information – The EEOC and agencies will share information relevant to the efforts of the EEOC and the agencies to fulfill their respective enforcement responsibilities. Such information will include, but not necessarily be limited to, information relating to employment policies and practices of recipients of Federal financial assistance, affirmative action programs, annual employment reports, complaints, investigative files, conciliation or compliance agreements and compliance review reports and files. In certain limited circumstances, EEOC may obtain information via subpoena which other agencies may not use in their enforcement proceedings.

H. Recipient Refusal to Provide Information - The EEOC will ordinarily request the assistance of agencies in obtaining information where the recipient refuses to provide data necessary to the investigation. A refusal to provide information to EEOC should be considered as a refusal to provide information to the agency and the established agency procedures for obtaining information subsequent to a recipient refusal should be followed. If EEOC and the agency are unable to resolve the problems with obtaining the information, EEOC will contact the Chief of the Federal Enforcement Section, Civil Rights Division of the Department of Justice.

I. Confidentiality - When EEOC supplies information to an agency and the information is subject to the confidentiality requirements of Sections 706(b) and 709(e) of Title V1I of the Civil Rights Act, as amended, the agency is bound to observe the same confidentiality requirements as EEOC. These requirements state that whenever a charge is filed by or on behalf of a person claiming to be aggrieved, nothing said or done relating to the charge and information obtained by EEOC in the course of investigating the charge may be made public prior to initiation of a legal proceeding. The penalty for violating the confidentiality requirement can result in a fine of not more than $1,000 or imprisonment for not more than one year. There are two exceptions to the confidentiality requirement: (1) when the agency obtains the same information which it received from EEOC from another source, and (2) when EEOC has obtained the information, other than by subpoena, in the course of investigating a joint complaint and the agency plans to use the information in an enforcement proceeding. Agency questions concerning confidentiality should be directed to the Office of Legal Counsel, EEOC.

5. EFFECTIVE DATE: March 28, 1983

6. INQUIRIES: Further information concerning this directive may be obtained by contacting:

Special Services Staff
Office of Program Operations
Equal Employment Opportunity Commission
2401 E Street, N.W.
Washington, D.C. 20506
(202) 634-6806

/s/	/s/
Wm. Bradford Reynolds Assistant Attorney General Civil Rights Division Department of Justice	Clarence Thomas Chairman, Equal Employment Opportunity Commission
3-9-83	3-11-83
(Date)	(Date)

(NOTICE TO COMPLAINANT AND RECIPIENT)

Recipient:
Agency Complaint No.:
Date Received:

Dear Mr. Smith:

This agency is in receipt of the above-referenced complaint filed against [Recipient's Name] alleging an [Unlawful employment practice and/or discrimination] on the basis of [State place and circumstances, date of alleged unlawful practice or attach copy of complaint.]

_____

_____.

We are reviewing the complaint to determine whether it will be investigated by this agency or the Equal Employment Opportunity Commission (EEOC). The EEOC has jurisdiction over complaints received by this agency which allege discrimination in employment. If the complaint is sent to EEOC for investigation, it will be deemed a charge received by EEOC on the same date as it was received by this agency unless it was received earlier by EEOC.

A determination will be made as to which organization will process this complaint within thirty (30) days of the date the complaint was received and you will be notified of this decision by letter. If you have any questions. please contact me at (telephone number).

Sincerely yours.

_____

Name and Title of Representative
Referring Agency

Exhibit 1

(AGENCY LETTER TO EEOC TRANSFERRING COMPLAINT)

Joe Green, Director
Equal Employment Opportunity Commission
(City) Office
1111 Any Street
City, State Zip

Recipient:
Complainant:
Agency Complaint No.
Date Received:

Dear Mr. Green:

Enclosed is the above-referenced complaint, transferred for your processing. We have determined that our agency does not have jurisdiction over the complaint, but that EEOC may have jurisdiction.

We are notifying the complainant and respondent of this transfer and the reason for the transfer. The parties have been informed that the date of receipt by the agency shown above will be deemed the receipt date under Title VII and/or the Equal Pay Act unless an earlier charge was received by EEOC.

This transfer and the above notice to the parties concludes this agency's consideration of this complaint.

Sincerely yours,

_____
Name and Title of Representative
Referring Agency

Attachment: Complaint
Related documents
Notice to Parties

Exhibit 2

(AGENCY LETTER TO COMPLAINANT AND RECIPIENT OF COMPLAINT TRANSFER TO EEOC)

(Address to
Complainant and
Respondent)

Complainant:
Agency Complaint No.:
Date. Received:

Dear [Complainant/Recipient]:

The purpose of this letter is to advise you that the above-referenced complaint has been transferred to the Equal Employment Opportunity Commission (EEOC) [city] Office, [address of EEOC Office].

We are transferring the complaint because we have determined that this agency does not have jurisdiction over the complaint, but that EEOC may have jurisdiction.

The date complaint was received by this agency will also be deemed the date it was received by EEOC unless a charge was received earlier by EEOC. A representative of the EEOC will contact you concerning the processing of this complaint.

Sincerely yours,

_____

Name and Title/Representative
Referring Agency

Exhibit 3

(AGENCY COMPLAINT REFERRAL LETTER TO EEOC)

Joe Green, Director
Equal Employment Opportunity Commission
City ____ District Office
City, State Zip

Complainant:
Agency Complaint No.:
Date Received:

Dear Mr. Green:

Transmitted herewith is the above-referenced complaint, which we are referring to your office for processing, pursuant to the Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Financial Assistance, 28 CFR 42.601 et seq.; and 29 CFR 1691.

Agency has [may have] jurisdiction over the complaint under _____ [Statute or Regulation] _____. (Attach copy of the applicable statute or regulations if jurisdiction not under Title VI, Title IX or the revenue sharing act.)

1. If the agency has jurisdiction under Title VI: (Check, if appropriate.)

/__/ A primary objective of the Federal financial assistance to the organization named in the complaint is to provide employment.

2. If the agency requests EEOC to conduct a factual investigation relating to the Agency's jurisdiction: (Check the following, as appropriate.)

/__/ a. We request further information on whether the complaint arises under a program or activity which receives Federal financial assistance. (Attach list of questions if standard inrerrogatories should not be used.)

/__/ b. We request further information as to whether the alleged employment discrimination affects intended beneficiaries of Federal financial assistance. (Attach list of questions as in a.)

Exhibit 4

3. If EEOC has received a similar complaint and agency requests deferral of EEOC's investigation: (Check one of the following as appropriate.)

/__/ We understand that EEOC has received a similar charge. We request that you defer investigation of this charge because _____ [give special circumstances] _____

/__/ We understand that EEOC has received a similar charge. We request that you defer investigation of this charge because it is a part of a complaint received by this agency alleging employment discrimination and discrimination in other areas within our jurisdiction.

4. If the agency requests notice of any conciliation negotiations: (Check, if appropriate.)

/__/ This agency requests that it receive advance notice of any conciliation negotiations conducted by EEOC.

If you have questions concerning this complaint referral, please call me at _____.

Sincerely,

_____
Name and Title of Representative
Referring Agency

Enclosures: Complaint
Notice(s) to Parties
Related Documents

Exhibit 4 (Continued)

(AGENCY LETTER TO COMPLAINANT AND RESPONDENT OF COMPLAINT REFERRAL TO EEOC)

(Address to
Complainant
and Respondent)

Complainant:
Agency Complaint No.:
EEOC Charge No.:
Date Received:

Dear [Complainant/Recipient]:

The above-referenced complaint has been referred to the Equal Employment Opportunity Commission (EEOC) [city] Office, [address of EEOC office] for investigation and conciliation (where appropriate) pursuant to 29 C.F.R., Part 1691.

EEOC, acting under its own authority and the delegated authority of this agency under [State authority-Title VI, IX, revenue sharing act or other], will conduct an investigation of the allegations of employment discrimination. This agency may, therefore, use information obtained by EEOC under the agency's investigative authority in a subsequent proceeding under the aforementioned authority. The date this agency received the complaint shall be deemed the date the complaint is received under Title VII and the Equal Pay Act unless an earlier charge was received by EEOC.

If EEOC is unable to settle or conciliate this complaint/charge, this agency will review the Commission's findings/determination and make its own determination on the basis of the statutes it administers and the facts of the case.

A representative of the EEOC will contact you concerning the processing of this complaint.

Sincerely yours,

Name and Title of Representative

Exhibit 5

(NOTICE TO COMPLAINANT AND RECIPIENT
AGENCY DECISION TO INVESTIGATE REFERRED COMPLAINT)

(Address to Complainant and Recipient)

Agency Complaint No.:
Date Received:

Dear [Complainant/Recipient]:

Our initial review of the above referenced complaint shows that:

__
/ / A related complaint has been filed with EEOC. (Specify EEOC charge number.)

__
/ / A related complaint has not been filed with EEOC. In accordance with the Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Financial Assistance. 29 C.F.R. 42.601 et seq.; 29 C.F.R. 1691, we have referred this complaint to the EEOC in order to assure the complainant's rights under Title VII. The date the complaint was received by this agency will be deemed the date EEOC received the Title VII charge.

In order to reduce duplicative efforts, this agency will investigate the complaint and EEOC will defer its consideration of the related complaint until this agency concludes its investigation. EEOC will give due weight to this agency's findings/determination under the statutes it enforces. You will be contacted concerning the processing of your complaint by this office.

If you have any questions, please call me at _____.

Sincerely,

_____
Name and Title of Representative
Funding Agency

Exhibit 6

(NOTICE TO COMPLAINANT AND RECIPIENT – AGENCY TO INVESTIGATE COMPLAINT NOT REFERRED TO EEOC)

(Address to Complainant and Recipient)

Agency Complaint No.:
Date Received:

Dear [Complainant/Recipient]:

This is to notify you of this agency's determination that it (and not EEOC) will investigate the above referenced complaint.

If you have any questions, you may call me at _____.

Sincerely,

_____
Name and Title of Agency Representative

Exhibit 7

(NOTICE TO EEOC AND DEPARTMENT OF JUSTICE OF NO VIOLATION DETERMINATION ON A JOINT COMPLAINT)

(Address to Assistant Attorney General,
Department of Justice and Chairman,
Equal Employment Opportunity Commission)

EEOC Charge No.:
Agency Complaint No.:
Complainant:
Respondent/Recipient:

Dear _____:

This is to notify you that our determination of the above-referenced complaint differs from EEOC's determination. Attached for your reference are copies of the respective determinations.

The reason that this agency's determination differs from EEOC's determination is as follows: _____
_____
_____
_____
_____
_____
_____
_____.

Sincerely,

_____
(Name and title
Agency Representative)

Exhibit 8

(NOTICE TO EEOC AND DEPARTMENT OF JUSTICE ON COMMENCEMENT OF PATTERN OR PRACTICE INVESTIGATION)

(Address to Assistant Attorney General,
Department of Justice and Chairman,
Equal Employment Opportunity Commission
or designees)

EEOC Charge No..:
Agency Complaint No.:
Complainant:
Respondent:

Dear :

This is to notify you of this agency's intent to commence a pattern or practice investigation of the employment practices of the above referenced respondent.

We are undertaking this action because _____
_____
_____
_____
_____.

If you have any questions concerning this matter, please call me at _____
_____.

Sincerely,

_____
(Name and title)
Agency Representative

Exhibit 9

APPENDIX A

Federal Financial Assistance Statutes Prohibiting Discrimination on the Basis of Race, Color, Religion, Sex or National Origin[1/]

Agricultural College Act of 1890, as amended, 7 U.S.C. §§ 321-328, § 323.

Food Stamp Act of 1977, as amended, 7 U.S.C. §§ 2011-2016, § 2020.

National Housing Act of 1934, as amended, 12 U.S.C. §§ 1701-1750jj, § 1735f-5.

National Consumer Cooperative Bank Act of 1978, as amended, 12 U.S.C. §§ 3001-3050, § 3015.

Federal Energy Administration Act of 1974, as amended, 15 U.S.C. §§ 761-786, § 775.

Full Employment and Balanced Growth Act of 1978, 15 U.S.C. §§ 3101-3152, § 3151.

Youth Conservation Corps Act of 1970, as amended, 16 U.S.C. §§ 1701-1706, § 1704.

Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1001-1150, § 1087-2(e) & § 1142.

Education Amendments of 1972, as amended, 20 U.S.C. §§ 1601-1686, §§ 1681-1686.[12]

Foreign Assistance Act of 1961, as amended, 22 U.S.C. §§ 2151-2429 § 2314(g).

Federal-Aid Highway Act of 1963, as amended, 23 U.S.C. §§ 101-156, § 140.

Federal-Aid Highway Act of 1958, as amended, 23 U.S.C. §§ 301-324, § 324.

Workforce Investment Act of 1998, as amended, 29 U.S.C. § 2938.

Surface Mining Control and Reclamation Act of 1977, as amended, 30 U.S.C. §§ 1201-1328, § 1242(a).

State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. §§ 1221-1264, § 1242(a).Federal Water Pollution Control Act of 1948, as amended, 33 U.S.C. §§ 1251-2376, § 1251 note.

Federal Property and Administrative Services Act of 1946, as amended, 40 U.S.C. §§ 471-535, § 476.

Public Health Service Act of 1944, as amended, 42 U.S.C. § 201-300aaa-13, § 296g.

Preventive Health and Health Services Block Grant, as amended, 42 U.S.C. §§ 300w to 300w-8, §§ 300w-7.

Maternal and Child Health Services Block Grant Act of 1981, as amended, 42 U.S.C., §§ 701-709, § 708.

Immigration Reform & Control Act, 29 U.S.C. § 1225a note.

[1/]Agency coordinators are requested to comment on the appropriateness of adding or withdrawing provisions from this list.

[2/]Agencies which the Department of Justice has determined to have Title IX responsibility include: ACTION; Department of Agriculture; Agency for International Development; Civil Aeronautics Board; Department of Commerce; Department of Defense; Department of Education; Environmental Protection Agency; General Services Administration; Department of Health and Human Services; Department of the Interior; International Communications Agency; Office of Justice Assistance, Research and Statistics, Department of Justice; Department of Labor; National Aeronautics and Space Administration; National Endowment for the Arts; National Endowment for the Humanities; National Science Foundation; Nuclear Regulatory Commission; Office of Personnel Management; Small Business Administration; Department of State; Department of Transportation; Veterans Administration.

Violent Crime Control and Law Enforcement Act of 1994, 31 U.S.C. § 6711.

Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000a to 2000h, § 2000d et seq.[33]

Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. §§ 3121-3246h, § 3123.

Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d.

Domestic Volunteer Services Act of 1973, as amended, 42 U.S.C. §§ 4951-5085, § 5057.

Disaster Relief Act of 1974, 42 U.S.C. §§ 5121-5204c, § 5151.

Housing and Community Development Act of 1974, as amended, 42 U.S.C. §§ 5301-5321, § 5309.

Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. § 672.

Energy Reorganization Act of 1974, as amended, 42 U.S.C. §§ 5801- 5891, § 5891.

Nonnuclear Energy Research and Development Act of 1974, as amended, 42 U.S.C. §§ 5901-5920 § 5919(v).

Public Works Employment Act of 1976, as amended, 42 U.S.C. §§ 6701-6736, § 6707 and § 6727.

Energy Conservation and Production Act of 1976, as amended, 42 U.S.C. §§ 6801-6892, § 6870.

Home Energy Assistance Act of 1980, as amended, 42 U.S.C. §§ 8621-8629, § 8625.

Community Economic Development Act of 1981, as amended, 42 U.S.C. §§ 9801-9822, § 9821.

Head Start Act of 1981, as amended, 42 U.S.C. §§ 9831-9877, § 9849.

Justice Assistance Act of 1984, 42 U.S.C. § 10504.

Victims of Crime Act of 1984, 42 U.S.C. § 10604.

National and Community Service Act of 1990, 42. U.S.C. § 12635.

HOME Investment Partnerships Act/ National Affordable Housing Act, 42 U.S.C. § 12832.

Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. §§ 1701-1783, § 1747 (10).

Conveyance of Submerged Lands to Territories Act of 1974, 48 U.S.C. §§ 1701-1704, § 1708.

Revision of Title 49, U.S.C., Pub. L. No. 97-449, codified at 49 U.S.C. § 306: prohibits discrimination on the bases of race, color, sex, and national origin in programs noted at 49 U.S.C. §§ 332 & 333; also applicable to Local Rail Assistance, 49 § U.S.C. § 22101 et seq.; the Northeast Corridor Improvement Program, 49 U.S.C. § 24901 et seq.; the Regional Rail Reorganization Act of 1973, 45 U.S.C. §§ 721, 725; and Title V of the Railroad Revitaliza-

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[3/]Federal agencies with Title VI responsibility include: ACTION; Department of Agriculture; Agency for International Development; Civil Aeronautics Board; Department of Commerce; Department of Defense; Department of Education; Environmental Protection Agency; Department of Energy; Federal Emergency Management Agency; General Services Administration; Department of Health and Human Services; Department of Housing and Urban Development; Department of the Interior; International Communication Agency; Department of Justice; Office of Justice Assistance, Research and Statistics (Department of Justice); Department of Labor; National Aeronautics and Space Administration; National Endowment for the Arts, National Endowment for the Humanities; National Science Foundation; Nuclear Regulatory Commission; Office of Personnel Management; Small Business Administration; Department of State; Department of Transportation; Department of Treasury; Tennessee Valley Authority; Veterans Administration.

tion and regulatory reform Act of 1976, 45 U.S.C. § 821 et seq.

Federal Transit Act, 49 U.S.C. §§ 5301-5338, § 5332.

Airport and Airway Improvement Act, 49 U.S.C. § 47123.

APPENDIX B

DISTRICT/AREA/LOCAL OFFICE JURISDICTIONS

ALBUQUERQUE DISTRICT OFFICE - The State of New Mexico.

ATLANTA DISTRICT OFFICE - The State of Georgia.

SAVANNAH LOCAL OFFICE - The State of Georgia Counties of Appling, Atkinson, Bacon, Ben Hill, Berrien, Brantley, Bryan, Bulloch, Camden, Candler, Chatham, Charlton, Clinch, Coffee, Jeff Davis, Dodge, Echols, Effingham, Emanuel, Evans, Glynn, Irwin, Jenkins, Lanier, Laurens, Liberty, Long, Lowndes, McIntosh, Montgomery, Pierce, Screven, Tattnall, Talfair, Tift, Toombs, Treutlen, Ware, Wayne and Wheeler.

BALTIMORE DISTRICT OFFICE - The States of Maryland and Virginia Counties as specificed below:

NORFOLK AREA OFFICE - The state of Virginia Counties of Accomack, Brunswick, Caroline, Charles City, Dinwiddie, Essex, Gloucester, Greensville, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, New Kent, Northampton, Northumberland, Nottoway, Prince George, Richmond, Southampton, Surry, Sussex, Westmoreland, York and State of Virginia Independent Cities of Chesapeake, Colonial Heights, Emporia, Franklin, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg.

RICHMOND AREA OFFICE - The State of Virginia Counties of Albermarle, Alleghany, Amelia, Amhurst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Chesterfield, Craig, Culpeper, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Giles, Goochland, Grayson, Greene, Halifax, Hanover, Henrico, Henry, Highland, Lee, Louisa, Madison, Montgomery, Nelson, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Spottsylvania, Tazewell, Washington, Wise, Wythe and State of Virginia Independent Cites of Bedford, Bristol, Buena Vista, Charlottesville, Clifton Forge, Covington, Danville, Fredericksburg, Galax, Harrisonburg, Lexington, Lynchburg, Martinsville, Norton, Radford, Richmond, Roanoke, Salem, South Boston, Staunton and Waynesboro.

BIRMINGHAM DISTRICT OFFICE - The States of Alabama and Mississippi.

JACKSON AREA OFFICE - The State of Mississippi.

CHARLOTTE DISTRICT OFFICE - The States of North Carolina and South Carolina.

GREENSBORO LOCAL OFFICE - The State of North Carolina Counties of Alamance, Alleghany, Ashe, Caswell, Davidson, Davie, Forsyth, Guilford, Randolph, Rockingham, Stokes, Surry, Wilkes and Yadkin.

GREENVILLE LOCAL OFFICE - The State of South Carolina.

RALEIGH AREA OFFICE - The State of North Carolina Counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Nash, New Hanover, Northampton,

Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Sampson, Tyrrell, Vance, Wake, Warren, Washington, Wayne and Wilson.

CHICAGO DISTRICT OFFICE - The State of Illinois, except for those Counties listed within the jurisdictional boundaries of the St. Louis District Office (see below).

CLEVELAND DISTRICT OFFICE - The State of Ohio.

CINCINNATI AREA OFFICE - The State of Ohio Counties of Adam, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Pike, Ross, Scioto and Warren.

DALLAS DISTRICT OFFICE - The State of Oklahoma, and the State of Texas Counties of Anderson, Archer, Armstrong, Baylor, Ball Bosque, Bowie, Brown, Callahan, Camp, Carson, Cass, Cherokee, Clay, Coleman, Collin, Collingsworth, Comanche, Cooke, Coryell, Dallam, Dallas, Deaf Smith, Delta, Denton, Donley, Eastland, Ellis, Erath, Falls, Fannin, Fisher, Franklin, Freestone, Gray, Grayson, Gregg, Hamilton, Hansford, Harrison, Hartley, Hemphill, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Hutchinson, Jack, Johnson, Jones, Kaufman, Lamar, Lampasas, Leon, Limestone, Lipscomb, McLennan, Madison, Marion, Milam, Mills, Montague, Moore, Morris, Nacogdoches, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Potter, Rains, Randall, Red River, Roberts, Robertson, Rockwall, Runnels, Rush, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Tarrant, Taylor, Throckmorton, Titus, Upshur, Van Zandt, Wheeler, Wichita, Wilbarger, Wise, Wood and Young.

OKLAHOMA CITY AREA OFFICE - The State of Oklahoma.

DENVER DISTRICT OFFICE - the States of Colorado, Montana, Nebraska, North Dakota, South Dakota and Wyoming.

DETROIT DISTRICT OFFICE - The State of Michigan.

HOUSTON DISTRICT OFFICE - The State of Texas Counties of Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller and Wharton.

INDIANAPOLIS DISTRICT OFFICE - The States of Indiana and Kentucky.

LOUISVILLE AREA OFFICE - The State of Kentucky.

LOS ANGELES DISTRICT OFFICE - The State of Nevada, and the State of California Counties within the jurisdictional boundaries of the San Diego Area Office and the State of California Counties of Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura.

SAN DIEGO AREA OFFICE - The State of California Counties of Imperial and San Diego

MEMPHIS DISTRICT OFFICE - The States of Arkansas and Tennessee.

LITTLE ROCK AREA OFFICE - The State of Arkansas.

NASHVILLE AREA OFFICE - The State of Tennessee Counties of Anderson, Bedford, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Cheatham, Claiborne, Clay, Cocke, Coffee, Cumberland, Davidson, De Kalb, Dicks on, Fentress, Franklin, Giles, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Hickman, Houston, Humphreys, Jackson, Jefferson, Johnson, Knox, Lawrence, Lewis, Lincoln, Loudon, McMinn, Macon, Marion, Marshall, Maury, Meigs, Monroe, Montgomery, Moore, Morgan, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Smith, Stewart, Sullivan, Sumner, Trousdale, Unicoi, Union, Van Buren, Warren, Washington, Wayne, White, Williamson and Wilson.

MIAMI DISTRICT OFFICE - The Canal Zone and the State of Florida.

TAMPA AREA OFFICE - The State of Florida Counties of Bay, Calhoun, Citrus, Columbia, De Soto, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsbourough, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Manatee, Okaloosa, Pasco, Pinellas, Polk, Santa Rosa, Sarasota, Suwannee, Taylor, Wakulla, Walton and Washington.

MILWAUKEE DISTRICT OFFICE - The States of Iowa, Minnesota and Wisconsin.

MINNEAPOLIS AREA OFFICE - The State of Minnesota.

NEW ORLEANS DISTRICT OFFICE - The State of Louisiana.

NEW YORK DISTRICT OFFICE - The States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont, and the U.S. Virgin Islands.

BOSTON AREA OFFICE - The States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

BUFFALO LOCAL OFFICE - The State of New York Counties of Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesee, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming and Yates.

SAN JUAN AREA OFFICE – The Commonwealth of Puerto Rico.

PHILADELPHIA DISTRICT OFFICE - The States of Delaware, New Jersey, Pennsylvania, West Virginia, Adams, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, York, Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem.

NEWARK AREA OFFICE - The State of New Jersey, Bergen, Essex, Hudson, Huterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren.

PITTSBURGH AREA OFFICE - The State of West Virginia and the State of Pennsylvania Counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, Warren, Washington and Westmoreland.

PHOENIX DISTRICT OFFICE - The States of Arizona and Utah.

SAN ANTONIO DISTRICT OFFICE - The State of Texas Counties of Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brazos, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Coke, Comal, Concho, Crockett, De Witt, Dimmit, Duval, Edwards, Fayette, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Irion, Jackson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Lee, Live Oak, Llano, McCulloch, McMullen, Mason, Maverick, Medina, Menard, Nueces, Real, Refugio, San Patricio, San Saba, Schleicher, Starr, Sutton, Terrell, Tom Green, Travis, Uvalde, Val Verde, Victoria, Washington, Webb, Willacy, Williamson, Wilson, Zapata and Zavala.

EL PASO AREA OFFICE - The State of Texas Counties of Andrews, Bailey, Borden, Brewster, Briscoe, Castro, Childress, Cochran, Cottle, Crane, Crosby, Culberson, Dawson, Dickens, Ector, El Paso, Floyd, Foard, Gaines, Garza, Glasscock, Hale, Hardeman, Haskell, Hockley, Howard, Hudspeth, Jeff Davis, Kent, King, Knox, Lamb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Motley, Parmer, Pecos, Presidio, Reagan, Reeves, Scurry, Sterling, Stonewell, Swisher, Terry, Upton, Ward, Winkler and Yoakum.

SAN FRANCISCO DISTRICT OFFICE - The U.S. Possessions of American Samoa, Guam, Northern Mariana Islands, Wake Island, the State of Hawaii, the State of California Counties included in the jurisdictional boundaries of the Fresno, Oakland and San Jose Local Offices, and the State of California Counties of Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Plumas, San Francisco, San Mateo, Shasta, Sierra, Siskiyou, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba.

FRESNO LOCAL OFFICE - The State of California Counties of Alpine, Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, San Benito, San Joaquin, Stanislaus, Tulare and Tuolumne.

HONOLULU LOCAL OFFICE - The State of Hawaii.

OAKLAND LOCAL OFFICE - The State of California Counties of Alameda, Amador, Contra Costa, El Dorado, Placer, Sacramento and Solano.

SAN JOSE LOCAL OFFICE - The State of California Counties of Monterey, Santa Clara and Santa Cruz.

SEATTLE DISTRICT OFFICE - The States of Alaska, Idaho, Oregon and Washington.

ST. LOUIS DISTRICT OFFICE - The States of Kansas and Missouri and the State of Illinois Counties of Alexander, Bond, Calhoun, Clinton, Greene, Jackson, Jersey, Macoupin, Madison, Monroe, Perry, Pulaski, Randolph, St. Clair, Union and Washington.

KANSAS CITY AREA OFFICE - The State of Kansas and the State of Missouri Counties of Andrew, Atchison, Berry, Barton, Bates, Benton, Buchanan, Caldwell, Carroll, Case, Cedar, Chariton, Clay, Clinton, Cooper, Dade, Daviess, De Kalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jackson, Jasper, Johnson, Lafayette, Lawrence, Linn, Livingston, McDonald, Mercer, Newton, Nodaway, Pettis, Platte, Putnam, Ray, St. Clair, Saline, Sullivan, Vernon and Worth.

WASHINGTON FIELD OFFICE - The District of Columbia and the State of Virginia Counties of Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Prince William, Stafford, Warren and the State of Virginia Independent Cities of Alexandria, Fairfax City, Falls Church, Manassas, Manassas Park, Winchester, Quantico, Dumfries and Occoquan.

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505 Marquette, N.W.
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Suite 4R30
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FAX No. 404-562-6909
TTY No. 404-562-6801

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City Crescent Building
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Baltimore, Maryland 21201
410-962-3932
FAX No. 410-962- 4270
TTY No. 410-962-6065

Birmingham District Office
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Government Center
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TTY No. 617-565-3204

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6 Fountain Plaza
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TTY No. 716-551-5923

Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, North Carolina 28202
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FAX No. 704-344-6734 & 6731
TTY No. 704-344-6684

Chicago District Office
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216-522-2001
FAX No. 216-522-7395
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FAX No. 214-655-3443
TTY No. 214-655-3363

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303-866-1300
FAX No. 303-866-1085
TTY No. 303-866-1950

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FAX No. 313-226-2778
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El Paso Area Office (San Antonio District Office)
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FAX No. 864-241-4416
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FAX No. 212-620-0070
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TTY No. 510-637-3234

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St. Louis District Office
Robert A. Young Building
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St. Louis, Missouri 63103
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Tampa Area Office (Miami District)
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Tampa, Florida 33602
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APPENDIX C

DRAFT
2/9/83

I. Employer

For the Department or agency or other employer alleged to have engaged in discriminatory employment act(s) or practice(s), ascertain:

A. The name and function of the department or agency, its location or locations, and the number of its employees, by race, sex and national origin by EEO-1, et seq., category, preferably in the form of EEO-4, 5 or 6 reports.

B. The name, function and location of the division or unit within the agency or department in which the discriminatory act(s) or practice(s) occurred; together with the number of employees, by race, sex and national ,origin and by EEO-1, et seq. category.

C. If the complaint alleges that any discriminatory act or practice occurred in a department or agency other than the direct employer (such as a civil service, personnel or merit system commission or agency), the name, function and location of the other department or agency; together with the number of its employees, by race, sex and national origin and by EEO-1, et seq., category.

II. Federal Financial Assistance

The following questions pertain to each type or category of Federal financial assistance received by the Department, agency or other employer, and for other departments or agencies described in I C above, currently and for each of the last five years.

A. Please describe the statutory basis under which the assistance was rendered, the Federal fund granting agency through which it was provided, and the date and number of any grant or cooperation agreement.

B. Please set forth the amount of Federal financial assistance received in each type or category of Federal financial assistance for each year.

C. If the Federal financial assistance was received indirectly, please describe the name and location of each department, agency or person(s) which received the finds or other assistance prior to the employer. If the assistance is received from many persons (i.e., students), a description of the class of persons is sufficient.

D. For what purpose(s) was the Federal financial assistance used? Was the assistance separately accounted for or was it mingled with other funds? If it was mingled with other funds, for what purpose(s) was those mingled funds used?

III. Title VI of the Civil Rights Act of 1964

The questions below are for allegations of discrimination based on race (including color), or national origin in employment in violation of Title VI of the Civil Rights Act, where the primary purpose of the federal funds is not to provide employment.

A. Do the duties of the position(s) involved in the alleged discriminatory conduct include contact with the public in the provision of services [i.e., doctors, nurses, dentists, teachers, teachers aides, social workers, etc.]

B. If so, set forth the nature of the contact; the number of persons holding each of such positions with the employer, by race and national origin and location; the composition by race and national origin of the population eligible for federally-assisted service administered by the employer, and the population actually served.

We are issuing the management directive to you at this time in order to afford you the opportunity to review it before the meeting on March 18, 1983 and to permit you the opportunity to make your staff aware of the directive prior to the effective date of the rule.

If you have any questions about the implementation of the attached management directive, please call Allen Payne, Coordination & Review Section, Civil Rights Division, Department of Justice (724-2246) or Ronnie Blumenthal, Director, Special Services, Office of Program Operations, EEOC (634-6850).

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